

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FULLERENE INT'L CORP.,

Plaintiff.

v.

JON W. DUDAS,

Defendant.

Civil Action No.: 06-1451 (RMU)

Document Nos.: 18

ORDER

Upon consideration of the consent motion for remand, it is this 29th day of January 2007
hereby **ORDERED**, that:

- (1) the motion is granted;
- (2) this case is remanded to the United States Patent and Trademark Office (USPTO) for further proceedings concerning U.S. Application No. 08/236,933 (the '933 application),
- (3) plaintiff will submit additional evidence to the USPTO, and the USPTO will consider the issue of patentability in light of the additional evidence in the '933 application;
- (4) the USPTO will allow plaintiff to submit the additional evidence in the '933 application without requiring plaintiff to file a request for continued examination or continuation application;
- (5) upon remand, the USPTO will conduct any further proceedings concerning the '933 application in an expedited manner. See MPEP § 708.01(D).
- (6) each side is to bear its own costs and attorney fees.

RICARDO M. URBINA
United States District Judge